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THE CHURCH AND LAW.

A LETTER

IN

ANSWER TO THE REV. CANON CARTER,

OF CLEWER,

TO WHICH IS APPENDED

A SERMON

PREACHED AT ST. MARGARET'S, WESTMINSTER.

BY

ARCHIBALD CAMPBELL,

ARCHBISHOP OF CANTERBURY.

THIRD EDITION.

London :

MACMILLAN AND CO.

1877.

LONDON :
R. CLAY, SONS, AND TAYLOR, PRINTERS,
BREAD STREET HILL,
QUEEN VICTORIA STREET.

THE CHURCH AND LAW.

ADDINGTON PARK,

March 2, 1877.

MY DEAR MR. CARTER,—

I have read your printed letter addressed to me, which reached me yesterday. I cannot but feel much for the "sore distress" which you state has been caused to yourself and others by events which have lately occurred in our Church. You will not doubt that, differing from you in many most important points, I have full sympathy for all those who, like yourself, are endeavouring with much self-denial to do God's work in the way which best approves itself to their consciences. I am glad that you should freely express to me your thoughts on the present condition of our Church, and nothing, I assure you, shall be wanting on my part to secure to yourself and your friends that "fair play" which you at present think some are not disposed to accord to you. Certainly you are right in maintaining that our Church has in

no respect sanctioned a departure from the usages handed down to us from the "primitive and purest times," and that it is our desire "with reverence to retain those ceremonies which do neither endamage the Church of God nor offend the minds of sober men."

You have collected several passages in which the statement is put forth, that all alterations in worship and doctrine authoritatively made in the Church of England, from the Reformation downwards, have had a reverent regard to primitive usage; and certainly a large body of our most eminent Divines has ever strongly insisted on this characteristic of the Reformed Church of England as its most distinguishing feature. Nothing therefore could be more unfair than to treat with harshness those members of our Church who, in the present day, conscientiously believe that they are upholding the teaching of such men as Bishop Andrewes. You must however allow me, whilst acknowledging the soundness of your premise, in this matter, to find some fault with your particular application of it to the ritual observances which have lately caused so much dissension within our Church. You do not enter in detail on a consideration of these observances; and, considering the fact that several of them are at present under discussion, by a Court with which I have had the honour to be associated, I could not at present have followed you into such details had you thought it well to enter on them. This,

however, I ought to say in reference to that part of your letter which treats of ritual, that, citing the authoritative declarations, explaining the principles on which our formularies were originally constructed, or from time to time amended, by reference to Catholic antiquity, you seem to me unwarrantably to have deduced from these declarations the dangerous principle that private individuals are entitled to add to the prescribed ceremonial of our Church any ceremonies which they themselves, or the circle of Divines among whom they move, believe to be consonant with Catholic usage. In condemning, for example, the dictum of the judges that by "necessary implication a rubric must be construed as abolishing what it does not retain," you seem to me to lose sight of the very object of rubrics, constructed with the view of securing a becoming amount of uniformity. Because it is granted that the general laws of the country are not to be held as forbidding practices of which they make no mention, you hurry to the conclusion that rubrics also may be interpreted in the same manner.

Let me ask you to consider what would be the spectacle exhibited by a regiment which, according to its regimental orders, was bound to wear a certain uniform, if every soldier or knot of soldiers was at liberty to add to the prescribed dress any ornaments or accoutrements which might approve themselves to the fancy of the individual or his friends. You cannot, I think, gravely doubt

that rubrical directions are in the main intended to prescribe a uniform system, and to exclude, as a general rule, ceremonies which they do not sanction. What would soon become the condition of our churches if some such general rule of uniformity were not acted on? You cannot, I think, be aware of the distress which has been caused to many pious souls, by the unauthorised introduction in parish churches of unusual practices, not sanctioned by the Prayer Book, in the holiest rite of Christian worship. You cannot mean to contend that every clergyman, or knot of clergymen, is entitled to alter the prescribed form of administering the Holy Communion by adding whatever gestures, postures, dresses, or other ceremonial may be believed to be consonant with the usages of Catholic antiquity. To allow this would be fatal to the peace of the Church of England, and alienate thousands upon thousands of its most attached members. No one in authority wishes to impose upon all clergymen and all parishes a rigidly prescribed ceremonial unvarying in every particular. Our rubrics are constructed with such wise elasticity that room may be found within their limits for the gorgeous worship of the cathedral and the simplicity of the most unadorned homely parish church. And I can quite understand your feelings of alarm if you believe that the authorities in our Church, judicial or executive, have ever intended to restrain such innocent "hereditary usages of the English Church," "some of real importance, some tending to re-

verence in what had to be done in some way or other, where yet no directions whatever were given."

You might naturally be alarmed, if you believed that there was a danger of your being all "forced into a line of ritual use" which harmonised according to your expression "only with the ultra-Protestant communities, as opposed to that of all other portions of the Catholic Church." That wise conformity with the rubrics of the Church of England which forbids us to add to them on private authority ceremonials unknown to England, since the Reformation, is what the dictum, to which you so strongly object, enjoins. It may be perfectly true that certain unwise persons, are, as you say, "leagued together in the determination to root out when possible the whole of what is understood under the term the Catholic side of the Church of England;" but certainly their attempt will meet with no support either from the judicial or the executive authority of our Church, and there is nothing in recent legislation which can, by possibility, press heavily on loyal members of the Church of England, who are contented to tread in matters of ritual and doctrine in the steps of what is called the Catholic School of our Divines, holding at once faithfully to primitive antiquity and to the principles of the Reformation. I regret to find that you apprehend that the principles of fair dealing with all schools legitimately included in our Church is likely to be infringed, and that this alarm calls for active

resistance to the threatened danger. I trust that further consideration and experience will convince you of your mistake.

It gives me pleasure to find that, as I understand the letter you have sent to me, you hold out no encouragement to those who would seek to establish their views of Church order and ritual by a violent resistance to the existing authorities of the Church. It would have been strange if you had sanctioned the intemperate and foolish proposal to obey no court or authority in the Church or realm, so long as such courts and other authorities are bound to conform to the interpretations of law given by the Judicial Committee of the Privy Council. Your authority is deservedly so great with a large section of Churchmen, that I fully trust and believe you will be able to restrain many who without your guidance might be led into self-willed and dangerous courses, injurious to their own souls and to the Church which we all love. If the reports published are correct, there are ungodly men who of late, under a pretence of conscience, have dishonoured God's House, some of them by showing their disdain for the regular services of the Church of England, while ostentatiously using during the time of Divine Service, their private books of so-called Catholic devotion, and otherwise interrupting the worship; others violently resisting such persons, and taking upon themselves formally to order the ritual against the wishes of the clergyman licensed by the Bishop. I know that you agree

with me in looking with disgust on both of these offences against law and order.

I turn to that part of your letter, where you state that you will proceed from ritual "to the more critical question of jurisdiction." I understand you to seek, by legitimate means, to effect certain constitutional changes in the present condition of our Church, first, as to its legislative, and secondly, as to its judicial arrangements; and I understand you to hold that the changes which you contemplate will be but a return to what you believe, erroneously or otherwise, to have been the constitutional order when the Church of England freed itself from Papal corruptions at the Reformation.

No one can find fault with you for seeking such changes in a legitimate and orderly manner, however much he may disagree with you as to the desirableness of some or all of the changes which you wish to introduce, and as to your view of what the original constitution of the Reformed Church of England was.

First, as to legislation for the Church. I understand you to desire that all ecclesiastical matters involving any change of the law, should be settled by the Convocations of Canterbury and York, with the sanction of the Government for the time being, and, I presume, Parliament, after these Convocations have fully deliberated on the proposed changes with a newly-constituted body of laymen, how to be selected and appointed does not appear.

I do not quite know how far it is your opinion that nothing whatsoever should be done, in reference to Church matters, which has not obtained the sanction of each and all of the seven factors in this somewhat complicated constitution: *e.g.*, how far you hold that the Bishopric of Truro ought not to have been established, or its limits defined, without the expressed consent of all these parties,—or again how far you would hold that the re-arrangement of ecclesiastical fees and registries, or the relaxation of the terms of subscription as carried into effect a few years ago, or the acts which restrained the holding of livings in plurality, and thereby interfered with the dispensing power of the Metropolitan, would be violations of the principles you wish to see established.

I mention these few out of a hundred instances which might suggest themselves; and I fear that so complicated a machine of legislation as you seem to advocate would be absolutely fatal to all improvement. Besides, you have of course considered that the lay body which you have contemplated as entitled to be added to the other already existing members in the constitution of our Church, would certainly require to be established by some very solemn act of legislation, as there is no precedent for it in the history of our Church. This is of course no argument against it, but it is a point requiring serious consideration. At present by the practice, as you yourself allow, of at least a hundred years, and many of your opponents will contend, by

a much earlier practice, dating at least from the Reformation itself, and probably long before, many minor matters having reference to the regulation of the Established Church have been settled by the authority of Parliament. Indeed I might instance the very great changes introduced throughout the whole Established Church by the appointment of the Ecclesiastical Commission, and the authorities delegated to it by Parliament, not only for the administration of the Church's funds, but for the re-arrangements of Dioceses, Archdeaconries, and Cathedral bodies. Now I know it will be contended by those most interested in the welfare of the Church of England, that the claim now put forward by you, had it been acquiesced in, would have prevented all the great improvements which have been introduced during the last fifty years, because it would have been impossible to give them effect with the consents of all the parts of so complicated a machine as you propose.

It will be urged against you also that not only has the supreme authority in the realm ever claimed to itself a right of regulating many matters intimately concerned with the well-being of the Established Church, but that its right to do so is acknowledged by all the soundest Divines, even including among their number the most strenuous supporters of purely ecclesiastical authority.

However, as I have said, if your opinion is, that hitherto the Church of England has acted wrongly in making these concessions to the legis-

lative influence of the civil power, there can be no impropriety in your using all legitimate means to influence public opinion and to bring over to your views the great body of the Clergy and Laity of the Established Church, who express their thoughts through the Upper and Lower Houses of the two Convocations, and through the discussions in Parliament.

I suspect, however, that in advocating these opinions you will find yourself in a small minority amongst attached members of the Church of England. It will probably be contended by many that the regulation of minor matters must be left to be dealt with either by Acts of Parliament, or by Canons, as the nature of the case requires, while only very great constitutional changes, involving an alteration of the original compact between Church and State, will require to be referred to the deliberate discussion of all parties in the compact; and that the Queen is, by the constitution of the Church, the judge of what matters ought to be submitted to Convocation, with the view of having a Canon passed. Both the present and late Governments have recognised, in the matter of the revision of the rubrics, the propriety in certain cases of obtaining the concurrence of Convocation. Where letters patent have not been granted, the Queen, as supreme, seems to have decided against its direct interference. I would urge further, in reference to this matter, that it will be necessary before you can obtain the approval of Churchmen and of the nation

generally, that you should have very clearly settled with yourself what the exact changes are which you desire in the existing legislative constitution of the National Church. Please to remember also, that the persons whom you have to persuade are a very large body indeed, not merely the comparatively few who will accept your views as to the complete independence of the ecclesiastical power from lay control; but that overwhelming Protestant majority which constitutes the very backbone of the English Church, and loves it for the very reason that it has ever made a successful protest against those ultra-sacerdotal views which prevailed in England before the Reformation.

The second point on which, as I understand the pamphlet, you think that the constitution of our Church requires reform, is the exercise of its judicial functions. As to the highest Court of Appeal, you have stated, as I gather from page 42, that you would approve of the whole body of the Bishops being the Judges of Appeal, or a selection from them, united with other persons (I presume from your words—clergymen), the selection to be made by Convocation. You then proceed to say that this body would decide “matters of pure doctrine or usage, while the State Court would judge of matters of fact and questions of temporalities.” I fear here you are falling into the common confusion of mixing up the legislative and judicial functions. At present our Courts confine themselves strictly to the interpretation of

the law of the Church written, or embodied in unvarying usage. You seem to contemplate that the clerical judicial body which you wish to call into existence, is to decide, by some process unexplained, what are or are not the doctrines of the Church of England. This is settled by the Church's legislature, and cannot vary from time to time as suits arise. That judgment as to "matters of fact and questions of temporalities," which you unhesitatingly assign to the State Courts, may well seem to comprise the whole range of questions which now comes before the Queen in Council.

You will probably find it difficult to persuade the members of the great body of the Church of England, that two separate Courts—one clerical and another lay, ought to administer justice in the Queen's name, as the highest court of appeal, and that one of these, viz., the clerical, should have the right of interpreting what the doctrines of the Church of England are, without being strictly bound, as I understand you, to the *litera scripta seu consuetudo* which alone it is the office of a judge to interpret.

The Act of Submission, following one year after the Act of Restraint of Appeals to Rome, and constituting the King in Chancery supreme judge in all appeals from the Archbishops' Courts, though altered in its details by the subsequent Acts, which substitute the King in Council for the King in Chancery, is the basis of our present ecclesiastical constitution in matters judicial. The

provisions of this statute appear, I believe, to the majority of sound Churchmen to be in no way inconsistent with that distinction between spiritual and temporal courts, which is sanctioned by the Act of the previous year for the restraint of Appeals to Rome. The two Acts represent the Sovereign as the supreme head over all persons and authorities, ecclesiastical and civil, within the realm. The Body Spiritual is indeed distinguished from the body temporal, and its appropriate province is assigned to each, but the King is declared to be supreme over both. Thus from the ecclesiastical as from the civil courts the appeal lies to the Sovereign in all matters judicial, except where provision has been made otherwise for vesting the appeal in civil matters in the House of Lords. You have apparently forgotten that when in the Act for Restraint of Appeals, passed in the previous year, a right of deciding certain causes is assigned to the Upper House of Convocation of the Province, this right, if not referring specifically to the King's Divorce then pending, is strictly confined to such matters as touch "the King, his heirs or successors, kings of the realm," the determination of all causes between subject and subject being left to the Archbishops' Courts, without appeal for one year, but next year subjected to the King in Chancery. You will, I think, find it very difficult to persuade the English Church that the Act of Submission of the Clergy ought to be repealed, standing, as it does, as the very basis of the system which has prevailed

since the Reformation. But, of course, you are quite justified, if you think it right, in endeavouring to induce the Church to adopt your views, and in agitating for the repeal of the Statute of Submission of the Clergy.

Next, as to the Inferior Courts. I gather from the pamphlet that you are under an impression that the Public Worship Regulation Act suppressed the Bishop's Courts. This is simple mistake. These Courts remain as they were before 1874. Even matters of ritual may be tried now by the very same process by which they were tried before 1874. The change which has been made in respect of ritual cases is this, that if three parishioners agree in demanding it, they may bring the matter at once before the Bishop personally; and if he can persuade them to agree to be guided by him, he decides *in foro domestico*, without any possibility of further appeal: if they tell him that they will not abide by his judgment—that is, virtually, that they intend to appeal—he forwards the case at once to the Archbishop's Court, without wasting his time in a fruitless trial, from which it was announced from the first that an appeal would be made. He could so forward the cases formerly, and still has the same power, where the old process is preferred to the new, by sending the case to the Archbishop's Court by letters of request. But this cumbrous and expensive process of letters of request may now be dispensed with if the three complainants prefer the new to the old process. Again, under

the old form of process, one person might compel the Bishop to proceed ; under the new, applying to matters of ritual, three complainants—all parishioners—are required.

You will probably find it difficult to persuade Churchmen that there is any violation of ecclesiastical principle in thus arranging the process as is done by the law of 1874, which requires more prosecutors, and gives the Bishop not only the opportunity of deciding personally, as already explained, but also the additional power, which under the old process he did not clearly possess, of quashing the whole proceedings if he thinks them mischievous, and if he can state his reasons for this belief.

I gather from the pamphlet that you suppose that the Bishops' Consistorial Courts were in operation for matters of discipline till 1874, but these Courts were entirely superseded long before, for all questions falling under the Church Discipline Act, and a new Court substituted in their place by Parliament. Whatever changes, therefore, in matters of discipline were introduced by the Public Worship Regulation Act in no way touched the old Episcopal Consistorial Courts. These remain just as they were before 1874, the Chancellor of the Diocese presiding alone to administer justice in that limited range of subjects which had been left to his jurisdiction since the passing of the Church Discipline Act.

I think again that you will find it very difficult, if such is your wish, to persuade Churchmen that

the whole discipline of the clergy should be left to these old Consistorial Courts, from which virtually by immemorial usage the Bishop is excluded by the presence of his Chancellor. The Chancellors are, no doubt, a very valuable body of men, but it would hardly be a step in the direction of sound ecclesiastical principle to take away from the Bishops all the powers which have been recently secured to them under the Church Discipline Act and the Public Worship Regulation Act, and restore it in each diocese to the Chancellor. But the main point of your difficulty as to the legislation of 1874 lies in your view of the Archbishop's Court, as now constituted.

I dismiss, as scarcely real, your objection that the judge of the Provincial Court is now required to be a barrister of experience, or to have held the office of Supreme Judge in one of Her Majesty's Courts. You seem to think, I believe erroneously, that this supersedes the old qualification of learning in the Canon law. All persons, I believe, will on reflection agree that no person without experience ought to be entrusted with the very grave responsibilities which attach to the office of official principal of the two Archbishops, and it is only this qualification of experience which is endeavoured to be secured by the provision in question.

Neither can I consider that other objection as having much reality in it, which protests against the appointment of the Judge by the two Archbishops being confirmed by the further sanction

of the Crown, and lapsing to the Crown in the event of the Archbishops' failing in nominating a judge within a prescribed time. Seeing that, by the constitution of our Established Church, the Crown exercises a vast amount of patronage in the direct appointment of the Church's ministers, from the highest to the lowest, and that every appointment to a benefice throughout the kingdom lapses to the Crown in the event of the original patron not having fulfilled his obligations, I can see nothing inconsistent with Church principles in the Crown being concerned, as pointed out above, in the nomination of the chief judicial officer of the two Archbishops, especially when it is remembered that this officer is endowed with certain powers of compulsory jurisdiction, which no ecclesiastical authority could confer on him, and which, as you yourself allow, must come either directly or indirectly from the Crown.

My belief is that one very real objection felt by many to the legislation of 1874 is that it puts an end to that system of trifling with the decisions of Ecclesiastical Courts, which had long proved an obstacle in the way of securing obedience. The official principal of the Archbishops, acting in the Court of Arches or in the Court of the Chancery of York, is now enabled to give peremptory effect to his sentences in a way which, however consonant with the principles of ecclesiastical law, had, before 1874, fallen practically into disuse. In the event of an inhibition issued from the Arch-

bishops' Court remaining in force for three years, the living now becomes *ipso facto* vacant. No doubt this gives effect to the judgments of the Archbishops' Courts, and makes their decisions more formidable than they were under the old system. But, I believe, it was felt in 1874 by the overwhelming majority of Churchmen that the time had come when judicial decisions could no longer be safely allowed to be trifled with.

There is one peculiarity of the proceedings before the official principal of the Archbishops, under the Public Worship Regulation Act, which has not been generally noted, and which I am sure you will not consider as an objection, namely, that proceedings for violations of the law are not, under this Act, of a penal character, till a fresh offence has been committed by disobedience to a monition issued from the Archbishop's Court. Formerly, the very fact of having been proved to violate the law was held to establish a punishable offence. This is no longer the case under the present Act. Thus offences in matters of Ritual are, under the Public Worship Regulation Act, not considered as offences at all till the monition forbidding their repetition has been issued from the Ecclesiastical Court and disobeyed, and they are thus entirely separated from other grave offences, the proved commission of which, even once, is in itself punishable.

Again, the simplification of process and diminution of expense will not, I am sure, be regarded

by you as any objection to the changes effected by this Act. What then are the real objections which you urge?

Much has been said of inhibitions being issued in the name of a judge who is a layman: but this judge derives his authority from being the official principal of the Archbishops, and, as a matter of fact, I am not aware that there is any deviation from the form which was used in the days of Sir Robert Phillimore, Mr. Vernon Harcourt, Dr. Lushington, Sir John Dodson, and their predecessors, all of whom issued monitions and inhibitions in virtue of their office as official principal. You would contend that Lord Penzance is not official principal. It can only be answered that he is so, both by statute and by appointment from the Archbishops. I do not understand you to contend that the Archbishops ought to sit in their own Courts, any more than the Queen sits in the Court of Queen's Bench. Neither do I understand you to hold that the official principal ought to be a clergyman. He ought to be a lawyer, having his appointment from the Archbishops. The present official principal has such appointment; and it cannot invalidate his office that a statute of the realm directs how he shall have it, and gives the Queen a right of confirming the appointment.

The only remaining objection which I understand to be urged by you (and this lies at the root of the matter), is, that you say the changes

of 1874 ought to have been made by the authority of Convocation. This resolves itself into the matter treated of above under the head of ecclesiastical legislation. The Crown is, in matters of Church legislation, according to our constitution, the judge as to whether it is or is not desirable to proceed by canon, and I do not think there was any violation of precedent or principle in the circumstance that no letters patent were issued in this instance authorising Convocation to alter the mode of procedure in the Archbishops and Bishops' Courts by a fresh canon. As a matter of fact, Convocation could not, without such letters patent constitutionally, legislate as to the proposed statute for the "better administration of the laws for the regulation of Public Worship," and I do not believe that there is reasonable ground for blame because such letters were not issued. Of course the opinion of the clergy assembled in Convocation, being expressed before the Bill passed into Act, was no doubt weighed by Parliament with the respect due to the office, position, and character of those who uttered it.

But some of your words seem to imply that this Act was passed against the protest of Convocation. If you mean to say this you are mistaken. The progress of the Bill of 1874 in its way to become a statute was suspended, that the opinion of the members of Convocation might be expressed in debate. It was found that the principles of the Bill, as it then stood before Parliament, had

been distinctly approved in a former Convocation of the Province of Canterbury. The Lower House of that body indeed, while in 1874 not repudiating its former decisions, showed an evident unwillingness to approve the Bill; but the Lower House passed no resolution against it, while all the members of the Upper House, I believe without exception, approved the Bill. The Lower House, by a Committee, suggested certain alterations in it, which, if not all adopted, were respectfully considered in Parliament.

The whole force, then, of your objection lies in this, that you claim for Convocation a right of regulating all changes which are made in reference to the administration of the laws ecclesiastical, and the answer is that no such right has ever been acknowledged by the constitution of the Church of England. It remains to be seen whether the Church of England desires that such a right shall be secured to it in future.

I now turn to some of the other points in your pamphlet. I feel somewhat surprised that, considering the important place which, according to your theory, ought to be conceded to Convocation, you do not call for a complete reform of that body. At present its most ardent supporters will allow that it affords an imperfect representation even of the clergy of the Church of England, and in no way represents the laity. If it is to be henceforward so important a body as you seem to require, and no change whatever is to be made

even in the minutest points of ecclesiastical law, without its concurrence, it must be thoroughly reformed. Its cumbrous machinery, of practically four Houses, is not a greater obstacle in its way than is the fact that it very inadequately represents the entire Church of England. I am not prepared to say that you will not be doing good service, if you use your influence with your friends to devote their energies to a reform of Convocation. Certainly many are of opinion that it would be a very wise step to secure to some perfectly competent body the right of making bye-laws for the ordinary regulation of the affairs of the Church, without the necessity of opening a discussion in Parliament on all minor points. The Bishop of London's Bill, to which you allude, laid on the table of the House of Lords in 1874, was a step in this direction. Nothing but good, in my opinion, could result from a full and fair consideration of the advantages and disadvantages attaching to such a reform.

In your pamphlet I find various observations disparaging the judgments which have been given in ritual cases by the Privy Council. On these I will not touch further than by remarking that it is always the fate of the most eminent judges to have their decisions commented on by persons less perfectly acquainted with the principles and practices of the law than themselves, and that, I believe, the great majority of Churchmen, as well as the nation in general, has the fullest confidence

in the integrity, knowledge, and sound judgment of those who hold the highest judicial appointments in the country. Moreover, I do not think it a disadvantage, but the contrary, that, according both to the late and present constitutions of the Judicial Committee of the Privy Council, it is aided in forming its decisions on difficult questions touching the law of the Church by the presence, with the judges, of the highest officers of the Church.

Let me say, in conclusion, that I will gladly, God helping me, bear my part in any well-considered and wise reforms by which our Church's efficiency may be increased, by which the help of the Holy Spirit may be better secured to it, and our whole system brought into more complete conformity with the model of apostolic purity. What I urge upon you is that great humility and caution is required before you plunge into unknown organic changes. Our Church, as hitherto constituted, has secured for us a well-ordered system and innumerable Christian privileges, and we must not lightly endanger them from a love of change.

I do not find in your pamphlet much allusion to the doctrines of the Church of England. The present dissatisfaction and difference of opinion which has come prominently before the public, has reference directly to matters of ritual, which only secondarily involve questions of doctrine. No doubt it is for the doctrines which the condemned ritual is supposed to typify that so much feeling has been

elicited on both sides in recent controversies. I should deprecate as strongly as yourself any attempt to narrow the limits of allowable doctrine within the Church of England, so as to exclude any form of opinion which has been sanctioned in our Church from the Reformation downwards. The Church of England, like the people of England, will never return to the errors of Rome; while it protests solemnly against such unbelieving expositions of the Christian faith as would reduce the religion of Christ to the rank of a mere human philosophy, it will never from fear of infidelity ally itself with an exploded superstition. It seems, *e.g.*, absolutely certain that the Church of England will not tolerate within its pale doctrines which base themselves on the Romish theory of transubstantiation, or on such an exaggeration of the powers of the priestly office as would introduce habitual auricular confession amongst our people. But I see no tendency in the decisions of our courts to sanction new limitations. There is, of course, a point beyond which it is dangerous to allow liberty of opinion on one side or the other, lest liberty degenerate into license: but between the two dangerous extremes which the Church condemns, there is, and always has been, an ample field for that truly Catholic variety of sentiment which has been found in every intelligent and widely extended Church of Christ, from the days of the Apostles downwards. May I urge upon you in the interests of Catholic liberty itself how impor-

tant it is, at the present time, that all whom you can influence should have their attention directed to the danger they run of having their liberty curtailed if they take any rash steps. Many of them desire doubtless to indoctrinate, if not to identify, the whole Church of England with their own peculiar views. Our Church is on its guard against such an attempt, but still is very tolerant of individual eccentricities of opinion, doubtless in the charitable hope that with good and earnest men things will right themselves at last. I know no other Church in Christendom where the maintainers of such opinions will be treated with so much fairness and tenderness. It is a matter for grave and very serious consideration how far any great change in the present constitution, likely to be sanctioned by the majority of Churchmen and the nation, would not press very heavily on extreme High Churchmen. The Church of England as at present constituted wishes to treat them with all fairness, but would not endure their assuming a supremacy.

I would urge them to take this opportunity of carefully reconsidering their present position, and of judging themselves, lest in any respect they have been misled by the clamours of an unreflecting enthusiasm, and are contending for matters which have no warrant in the Word of God or the decisions of the Apostolic Church Catholic. There is at present much cause to fear injury to themselves, as well as disunion and confusion in the Church of which they are members, if they come to be

regarded by the overwhelming majority of Churchmen as persons, who, holding opinions dangerous to their own souls, are bent on propagating them both within and beyond the limits of the law, in a Church which loves the Reformation and steadily adheres to its tenets.

For myself, I would gladly secure for them all fair liberty within the Church, and I have much hope that their goodness will at last prevail over their errors. I desire that we should retain the services of their earnestness and self-devotion, and bring them back to the simplicity of the Faith. The dangers which threaten Christianity from sin and infidelity without are too great to allow us to look with indifference on divisions within. But, as I have said, there must be a limit to the Church's forbearance, and I confess to much fear lest the intemperate and lawless acts and words of earnest men may do both them and us and the cause of Christianity irreparable mischief.

That God of His goodness may by His Holy Spirit guide and preserve His Church at this anxious time is, I know, my dear Mr. Carter, your earnest prayer as it is mine.

Yours very faithfully,

A. C. CANTUAR.

A SERMON
ON
THE CHURCH AND LAW,
PREACHED FOR THE
RESTORATION OF ST. MARGARET'S,
WESTMINSTER.

A SERMON.

ISAIAH xlix. 23.

“Kings shall be thy nursing fathers.”

I AM requested to solicit your contributions for the restoration and adornment of this church. The papers in your hands tell you some particulars of its history. Let me call your attention to a few others, probably equally familiar to you, which I find in a very commonly used handbook.

This church, these papers tell us, was probably founded by Edward the Confessor: built on its present site in 1065, the year before the Conquest: rebuilt in the reign of the First, and again altered in that of the Third Edward.

The East Window, we are told, had a strange history. Designed originally for Henry VII.'s Chapel, it contains portraits of Arthur Prince of Wales and Katharine of Aragon on the right and left of the lower compartment. It was given away by Henry VIII., when at first he liked not to be reminded of his brother's marriage, to Waltham

Abbey. Thence, on the dissolution of the monastery, it was transferred to a private house, which passed strangely through these various proprietors : Sir T. Bulleyn, the two Dukes of Buckingham of the house of Villiers, Oliver Cromwell, and General Monk, Duke of Albemarle, before it reached its final resting-place in this church.¹

In connection with the House of Commons the church has its associations good and bad—the bad recorded for our warning, the good for our imitation ; most of them perhaps mixed, part bad, part good ; and God in His mercy, in the history of the country, ever bringing good out of the bad.

Both Houses of Parliament, with the Assembly of Divines and the Scottish Commissioners, met in this place to hear Mr. Nye pray and preach to them respecting the Solemn League and Covenant, before they subscribed their names ; and here Hugh Peters, the pulpit buffoon, as he is called, of the slayers of Charles I., preached to the Parliament to incite them to the execution of the King, in spite of the loyal leanings of the citizens and the clergy, begging them not to crucify Christ, that they might save the great Barabbas at Windsor.² Here preached many eminent divines : the papers before us name Latimer, Usher, Burnet, Tillotson, Porteous.

Here lie, as stated in the same papers, Caxton and Sir Walter Raleigh ; and besides these, we are told, the second wife of Milton, and the mother

¹ Cunningham's "Handbook to London, Past and Present," vol. i. p. 519.

² Ibid. p. 517.

of Cromwell, when her bones were cast out of the Abbey. Here, they say, Clarendon was married, and Waller, and Milton.

If the great Abbey teems with reminiscences of every period of English history, some of these, it seems, have overflowed to this humbler fane; and the Rector has undertaken a good work in his desire to rescue them from oblivion, and to appeal to your Christian generosity to honour the home around which they cluster. It is the parish church of the English Parliament, as well as of a large poor district. He has felt, no doubt, that nothing is unimportant which serves in any degree more to unite the Church of Christ in England with the recollections of the past, or the anticipations of the future history of our country, and you will not fail to second his efforts.

Such are some of the points in which the outward structure of this building as of the Church of England itself reminds us of the varied history of the country. In your attempts to restore this House of God, and add to its symmetry, you will not overlook its peculiar connection with the past. Having said thus much, I dismiss the subject of this restoration.

It may be allowable to pass from the material structure of the particular building in which we, as members of the Church of Christ, are now assembled, to think of that House not made with hands, that spiritual edifice, for the service of which all such material buildings are constructed.

Incorporated into this body of Christ, we have our duties prescribed to us and our privileges secured. It may be a useful subject of contemplation, enabling us better to perform our duties as servants of Christ, and to realise the greatness of our privileges in Him, the Lord our Redeemer, if we collect some thoughts on the nature of this great Church, and of the perfection which God designed for it—a perfection of the whole body, in which each of its members, if he is a real living member, must participate.

The chapter from which I have chosen my text speaks of a great spiritual society—Messiah's kingdom. From the temporal Zion and Israel, with its revelations both of duty and of privilege confined to one people, the inhabitants of one spot, the prophet's mind passes to the spiritual Zion and the spiritual Israel, which is to gather the chosen people from the whole earth (v. 20 to 22), and then follows the text. This is the great Church—the spiritual kingdom of the Messiah.

The word Church is of course used in various senses. There is much confusion and dispute as to its definition. It will be enough for me here to use the word in the sense of Barrow, in his "Treatise on Unity,"¹ from which I extract the following :—

"I. The whole body of God's people that is, or ever hath been, or ever shall be, from the beginning

¹ Barrow on "Unity of the Church," p. 628. Works, ed. Oxford, 1830.

of the world to the consummation thereof—the Catholic Society of true believers and faithful servants of Christ diffused through all ages—dispersed through all countries—whereof part doth sojourn on earth, part doth reside in heaven, part is not yet extant, but all whereof is described in the register of divine pre-ordination, and shall be recollected at the resurrection of the just”—to this Church especially, he tells us, “all the glorious titles and excellent privileges attributed to the Church in Holy Scripture do agree.” *E.g.* Ephes. v. 25, 26, 27: Christ loved the Church and gave Himself for it, that He might cleanse it with the washing of water by the word—that He might present it to Himself a glorious Church, not having spot or wrinkle or any such thing; but that it should be holy and without blemish. Or, 1st Cor. xii. 13, For by one Spirit are we all baptised into one body, whether we be Jews or Gentiles, whether we be bond or free, and have been all made to drink into one Spirit.

Again, in a more limited sense, Barrow says the word Church may mean (*ut supra*, p. 627) :—

“II. The society of these who at present, or in course of time, profess the faith and Gospel of Christ and undertake the evangelical covenant, in distinction to all other religions.” To this also (he goes on to say) “in order and measure, do belong and are attributed the titles which in a more especial and eminent manner attach to the Church in its full and highest sense.” Of this universal visible

Church, the several particular churches scattered over the earth are component parts, differing from each other in non-essentials—alike as to all essentials in their faith and practice.

Now each particular Church, national or otherwise, has all its real dignity and honour in so far as, in its individual members and collectively, it professes the faith and reflects the graces which in outward appearance are the uniform and insignia of the visible Church, and do in very truth and reality clothe and adorn the Church invisible.

Here then we have the test how far any particular church is a true church, how far any single man or woman is a true member of Christ's Church. Do I hold the faith of Christ? Do I live by the laws of Christ? Have I the mind of Christ? So believing, and feeling, and living, I must be a partaker of the privileges which Christ died to purchase for His redeemed.

Now it is, beyond doubt, of the Church in its highest spiritual sense, and, secondly, of this outward manifestation of it, which is its second and inferior sense, that Isaiah is speaking in the passage before us. And what I desire to note especially at the present time—for it may suggest thoughts which throw light on some present controversies—is the expression of the text (Isaiah xlix. 23, clause 1)—of this spiritual Church he says, "Kings shall be thy nursing fathers, and their queens thy nursing mothers." This is said of the spiritual kingdom of the Messiah, and therefore by such words is that

other saying of the Messiah Himself to be limited—that saying so often quoted nowadays and misinterpreted—“My kingdom is not of this world,” John xviii. 36.

When Christ came to fulfil the anticipations of prophecy by setting up His Church on earth, He knew the dangers to which it would be exposed from its necessary intermixture with the powers, and the business, and the pleasures, and even the highest graces of this world. Therefore is it true in the full width of the words that His kingdom is not of this world. It is a spiritual kingdom. It was intended to leaven the thoughts, and direct on Christian principles the decrees, of kings and parliaments; but certainly it was not to bend its immutable doctrines to their fluctuating will or earthly passions. So also it was to give life to philosophy, and poetry, and art; but not to degenerate into a philosophy falsely so-called, nor to allow the deep pure waters of true divine poetic feeling to evaporate in mere sentiment, nor to lose its own heavenly simplicity amid the meretricious adornments of mere human skill in the designer's, painter's, or sculptor's art. In all these ways there was danger, and Christ pointed it out, lest the Church, and religion, and kingdom of Christ might become degraded to be of this world. But the danger was only the greater, because it was so subtle, because the corruption was to come, not in an outward form, but in the cunning infusion of a debasing spirit even into the best forms. The

world was to be within, and this was the danger. The Church must mix with the world: the problem was, by the working of the Holy Ghost, to secure it from a worldly spirit.

Now the particular danger of this kind which is connected with what our text speaks of is this—Lest the Church suffer in its purity from its necessary and inevitable connection with the powers of the world. This danger is not confined to established churches. Shall I be uncharitable if I say that Dissent and Romanism, disestablished in this country, are not exempt from the common lot of temptation, and may become worldly? Every religious community which does its duty to the citizens of the country in which it finds itself must run some risk from its taking its part in the great public duties of nations, being mixed up, whether it will or no, with their governments, and being in many matters subject to regulation by their laws. This is the necessary condition of the Church in the world, and its final triumph in its purified state will not alter these conditions. When the Church is finally triumphant it will not be separated from the world; but the world will have become absorbed in it, the kingdoms of this world having become the kingdoms of our Lord and of His Christ (Rev. xi. 15).

On this subject I wish to say a few plain words. I would not willingly mar the solemnity of our gathering for worship on this first Sunday of our annual season for especial self-recollection and

repentance by any allusions to matters perhaps too angrily disputed at this present time. But it may conduce to the Church's peace, and may withdraw our minds from false issues and useless questions, and turn them rather to seek practical progress in Christian holiness, if I try for a moment to dispel some common misapprehensions.

Men speak often nowadays as if Christ's kingdom not being of this world, implied that it was free, in its character as a Church, from all obligation of obedience to the laws of the Christian state. This cannot be. If upright laws in a civilised and Christian state, having their root in the Source of all pure and holy law, in the bosom of God, be in their principles the highest embodiment of the conscience of the nation, they have in themselves a Divine sanction, commanding obedience, and even where imperfect, must by all God-fearing men be obeyed till they are altered and improved. The Church of Christ, in all its various forms, wherever it has been acting as a true holy Church, has ever lent the aid of its authority in the maintenance of human law ; and, in the necessarily composite condition of our relations in human society, no sharp line of distinction can be drawn, or ever was attempted to be drawn, between the regions in which the Church and the State are, each in their way, supreme.

For example—Obviously, wherever any Church or body ecclesiastical has property, or rights and privileges equivalent to property, there, if a wrong

is complained of, the civil power must settle the dispute authoritatively. The Church alone, from the very spirituality of its nature, is incapable of dealing adequately with such matters, and where it does deal with them, this must be in virtue of some delegation from the supreme power of the State conferring what we technically call jurisdiction on Church courts. In non-established religious bodies this is even more plain than in those which are established. There is great ignorance on this point in the present day, and much misrepresentation.

Not many years ago a dispute arose respecting some chapels which had fallen into the hands of the Unitarian body. They had been left in trust long before to godly ministers of Christ's Gospel. What did this phrase in the trust mean? Were the present occupants, in the sense of the old document conferring the property, such ministers? Who was to interpret the meaning of the old document on which the supposed rights of certain ministers in this non-established religious community rested? Who but the judges of the land? And to the judges therefore the case went.

Again, a dispute arose in the body of the Baptists—Who were entitled to be considered real members of that body with the rights belonging to incorporation? Were these rights confined only to the baptised? Who should decide this question? Who interpret the rubrics, if we may so call them, or the standards of the Baptist body, when a dis-

pute had arisen? Who but the judges of the land? And to the judges accordingly the case went.

Again, a certain free Presbyterian Church of the Cape of Good Hope deposed one of its ministers, because their synod held him to be a heretic. He declared that his doctrine was admissible within their Church, and that he was unjustly despoiled of his rights. Who should decide between the contending parties, by reference to and exposition of the documents, which constituted the charter of the Church? Who but the judges of the land? To the Queen's judges therefore in the colony, and ultimately to the Queen in Council, the case went.

But these, you may say, are small communities; what of the great and powerful Roman Catholic Church? A certain man a few years ago died in Canada, and for supposed offences against that Church of which he was a member, was by the local ecclesiastical authorities, whose decision was confirmed by the highest, denied burial in consecrated ground. The family claimed such burial as a right. Who should settle whether the Roman Catholic Bishop, supported by the Pope, had decided justly? Who but the judges of the land? Through the various civil courts of the dominion of Canada the case wound its way, till it reached the Queen in Council, by whom decision was given in favour of the family, and the corpse was at last committed to its long-refused resting-place in consecrated ground.

The only difference between established and non-established Churches in reference to the supremacy of law is this—both being bound to have all questions of right and property settled by the law, our Established Church has this peculiar privilege, that the State recognises our ecclesiastical courts as courts of the realm, and endows them with that which they could not have in their purely spiritual character, viz., a compulsory jurisdiction by which to try and to determine their own causes. This inheritance of mixed courts, partly spiritual and partly temporal, is not lightly to be parted with, and if lost, must in any well-constituted civil society be succeeded by a more direct interference of the civil power in all disputed cases of right within the Church.

But enough of such matters. We thankfully accept that degree of progress which the Church of Christ has already made in leavening the principles on which the civil power acts among the nations which have owned the religion of Christ. We see in this degree of progress a fulfilment of the prophecy of our text. We utterly abhor that degradation of the civil power, which, dethroning it from its position as an institution of God, would represent it as intruding beyond its province whenever it turns from mere matters of money-making and police to care for the truest happiness and highest destiny of its citizens. It is the glory and the perfection of the State to become truly Christian. The Church and the State in this aspect are hand-

maids of one common Lord. They assist each other in the common discharge of the duties which they owe to Him, and the lines which separate their several duties cannot, in a Christian country, be so defined that we may say of either that it can dispense with the other's help in doing Christ's work.

“The Church,” says the 20th Article, “hath power to decree rites and ceremonies, and authority in controversies of faith”—that is, first the universal visible Church of Christ on earth, if it can be brought together; but as the 21st Article states, its “councils may not assemble without the commandment and the will of princes,” that is of the civil power which rules each nation represented in such councils. And, secondly, each particular Church has the same authority for its own members—to make and enact the laws by which it is governed, provided it abides by Holy Scripture. The great national Church of England has in time past exercised this authority, and may exercise it still according to a fixed constitution, in which the laity, represented by the civil power, have a distinct potent voice. Thus Church laws are made and accepted by the nation; but the administration of these laws is a different matter, and must ever involve many questions of civil right.

A church, such as we have above described, maintaining the truth of Christ embodied in its formularies, firm to its Master's cause, and jealous of His honour, yet submitting itself dutifully to

the laws of the nation which protects it; zealous for conscience, yet restraining that spurious zeal which would magnify every conceit of the individual fancy into a dictate of conscience; never diluting the eternal truths of the Gospel to conciliate the favour of the State, yet ever anxious, if possible, peacefully to obey the ordinances of man for the Lord's sake, and where these ordinances seem imperfect or wrong, striving by legitimate means to correct and elevate them; ever, amid the fluctuations of opinion, labouring to introduce a higher Christian public spirit and higher principles of Christian legislation—such a Church is indeed doing its Master's work in the land where it has found a home, and such an outward Church will well reflect that image of the spiritual kingdom which lies before us in the chapter of the text.

But, lastly, before we dismiss this representation of the Church of Christ, remember that practically each particular Church has no life apart from the individual members who compose it. If they are not the temples of the Holy Ghost and purified by the Blood of Christ, both they and the body which is their aggregate, are dead, because impure. Let them not be deceived in seeking to appropriate to themselves, without the only sure right and title of personal holiness, those epithets of high honour which are used in Holy Scripture to designate the pure and holy Church of Christ. Not the ennobling traditions of past history, not the protection and observance of good laws, not soundness of

public teaching nor well-administered discipline, not the simple solemnity of a well-ordered ritual, though they may be great helps to holiness, and the want of them would be a sad hindrance, will save individual souls. You and I must be pure, humble, faithful disciples of Christ if our Church privileges are to do us good at the last.

This building, like the Church of England to which it belongs, with all its associations of history and government and law, will have its real beauty and be truly venerable only from the faithfulness of those who minister, and those who worship within it.





